

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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FREEDOM MORTGAGE CORPORATION,

For Online Publication Only

Plaintiff,

ORDER

19-CV-05881 (JMA) (JMW)

-against-

PRISCILLA A. HABEEB, BIBI Z. SANKAR,
and SLOMINS INC.,

Defendants.

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**FILED
CLERK**

12:06 pm, Aug 11, 2023

**U.S. DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
LONG ISLAND OFFICE**

AZRACK, United States District Judge:

Plaintiff Freedom Mortgage Corporation brings this action to foreclose on a mortgage encumbering the property located at 3077 Cornwell Place, Baldwin, New York 11510. On November 3, 2022, Plaintiff filed a motion for summary judgment against Defendant Priscilla A. Habeeb, and a motion for default judgment against Defendants Bibi Z. Sankar and Slomins Inc. (ECF No. 39.) The Court subsequently referred the motions to Magistrate Judge James M. Wicks for a report and recommendation (“R&R”). (Electronic Order dated May 8, 2023.) In a R&R issued on July 27, 2023, Magistrate Judge Wicks recommends that the Court grant in part and deny in part Plaintiff’s motions. (ECF No. 43.) No objections to the R&R have been filed and the time to do so has passed.

In reviewing a magistrate judge’s report and recommendation, a court must “make a de novo determination of those portions of the report or . . . recommendations to which objection[s] [are] made.” 28 U.S.C. § 636(b)(1)(C); see also United States ex rel. Coyne v. Amgen, Inc., 243 F. Supp. 3d 295, 297 (E.D.N.Y. 2017), aff’d sub nom. Coyne v. Amgen, Inc., 717 F. App’x 26 (2d Cir. 2017). The Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). However,

“[w]here parties receive clear notice of the consequences, failure to timely object to a magistrate’s report and recommendation operates as a waiver of further judicial review of the magistrate’s decision.” Smith v. Campbell, 782 F.3d 93, 102 (2d Cir. 2015) (quoting Mario v. P & C Food Mkts., Inc., 313 F.3d 758, 766 (2d Cir. 2002)); see also Phillips v. Long Island R.R. Co., 832 F. App’x 99, 100 (2d Cir. 2021) (same). In the absence of any objections, “the district court need only satisfy itself that there is no clear error on the face of the record.” Estate of Ellington ex rel. Ellington v. Harbrew Imports Ltd., 812 F. Supp. 2d 186, 189 (E.D.N.Y. 2011) (internal citations omitted).

The Court has reviewed the record and the unopposed R&R for clear error and, finding none, hereby adopts the R&R in its entirety as the opinion of the Court.

Accordingly, Plaintiff’s motions are GRANTED in part and DENIED in part as set forth in the R&R. (R&R at 30.) Plaintiff’s motion for summary judgment against Habeeb is granted. The motion for default judgment is granted as to Sankar but denied as to Slomins Inc., with leave to renew. Plaintiff shall file a proposed order regarding appointment of a referee by August 28, 2023.

SO ORDERED.

Dated: August 11, 2023
Central Islip, New York

/s/ (JMA)
JOAN M. AZRACK
UNITED STATES DISTRICT JUDGE